

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42080

MINNESOTA NORTHERN RAILROAD, INC.

v.

CANADIAN NATIONAL RAILWAY COMPANY

Decided: October 31, 2003

On June 12, 2003, Minnesota Northern Railroad, Inc. (MNN), filed a complaint against Canadian National Railway Company (CN), alleging that, in the spring of 2001, CN removed interchange facilities at Warroad, MN, thereby preventing MNN from interchanging traffic on its line to CN's line. MNN alleges that CN's action violates 49 U.S.C. 10742 and that CN should be required to reinstall reasonable and proper interchange facilities with MNN at its own expense. On July 2, 2003, CN filed its answer to the complaint.

The Board established a procedural schedule pursuant to the parties' proposed schedule in a decision served on July 25, 2003. On October 3, 2003, MNN filed its opening statement in accordance with the procedural schedule. Under the procedural schedule, CN's reply would be due on November 3, 2003. On October 30, 2003, CN filed a motion requesting an extension of one week to file its reply.

In support of its extension request, CN states that additional time will provide CN's counsel and witnesses better availability to finalize the reply. According to CN, MNN does not oppose the request for an extension, provided that MNN also be given a one-week extension from the date set forth in the procedural schedule to file its rebuttal, to which CN agrees. Under the circumstances, the request is reasonable and will be granted.

It is ordered:

1. The due date for CN's reply to MNN's opening statement is extended to November 10, 2003.
2. The due date for MNN's rebuttal to CN's reply is extended to November 25, 2003.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary